IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1531 OF 2006

M/s.Shri Laxmi Venkateshwar
Agro-Chemicals .. Applicants.
Vs.
State of Maharashtra & Anr. .. Respondents.

WITH

CRIMINAL APPLICATION NO.1532 OF 2006

M/s.Shri Laxmi Venkateshwar
Agro-Chemicals .. Applicants.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr.K.S.Patil for the applicants.
Mrs.M.H.Mhatre A.P.P. for State in Appln.No.1531/06.
Mr.P.A.Pol A.P.P. for State in Appln.No.1532/06.

CORAM : D.B.BHOSALE, J.

DATED : 26TH JULY, 2006

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. By these applications, the applicant has impugned the orders dated 20.2.2006 rejecting the revision application nos.88 and 89 of 2006 filed by the applicant. The revision applications were directed against the orders dated 22.11.2005 passed by the learned Metropolitan Magistrate, 12th Court, Bandra rejecting the application of the

applicants-accused seeking recalling of the process. In view of the settled position in law the application seeking recall of the process before the learned Magistrate was not maintainable and in view thereof I find no infirmity in the order passed either by the learned Magistrate or by the learned Sessions Judge in the revision. I perused the complaint filed under section 138 read with 141 of the Negotiable Instruments Act. It appears that the order "issue process" was passed on the basis of the averments made in the complaint and the documents annexed thereto, such as cheque, memo of the bank, notice etc., which have a presumptive value in law, are relied upon by the complainant. The presumption of law will have to be rebutted during trial and not by filing application for quashing. The contention of learned counsel for the applicants that the cheque was issued by the applicant as collateral security can be appreciated only during the trial. In the circumstances the applications are rejected.

(D.B.Bhosale, J.)